

Message Text

CONFIDENTIAL

PAGE 01 TEHRAN 05445 080441Z
ACTION NEA-07

INFO OCT-01 SS-14 ISO-00 IO-06 HA-02 L-01 H-01 INR-05
PM-03 PA-01 SP-02 NSC-05 CIAE-00 DODE-00 NSAE-00
/048 W

-----108218 090008Z /21

R 071106Z JUN 78
FM AMEMBASSY TEHRAN
TO SECSTATE WASHDC 8776
INFO USMISSION GENEVA
AMEMBASSY LONDON

C O N F I D E N T I A L TEHRAN 05445

LIMDIS

E.O. 11652: GDS
TAGS: SHUM PGOV IR
SUBJ: GOI PROPOSES TO LIBERALIZE MILITARY COURT
PROCEDURES

REF: TEHRAN 4257 (NOTAL)

1. GOI PROPOSALS FOR REVISION OF MILITARY JUDICIAL PROCEDURE
CODE WERE ANNOUNCED BY JUSTICE MINISTER KIANPUR AT PRESS
CONFERENCE JUNE 6. FOLLOWING AMENDMENTS WERE MADE PUBLIC:

A. CENTERPIECE OF PROPOSAL IS PROVISION FOR CIVILIAN
LAWYERS TO PLEAD BEFORE A MILITARY COURT WITHOUT THE
REQUIREMENT TO SEEK PRIOR AUTHORIZATION FROM A SPECIAL
MILITARY COMMITTEE. IN ADDTION, CIVILIAN LAWYERS WILL NOT
BE SUBJECT TO DISCIPLINARY MEASURES OF THE SPECIAL MILITARY
COMMITTEE. UNDER PROPOSED AMENDMENT, LAWYERS MAY PLEAD
BEFORE A MILITARY COURT BY DECLARING THEIR READINESS TO
THE APPROPRIATE MILITARY COURT.

B. RESTRICTIONS ON THE NUMBER OF DEFENSE LAWYERS AT
EACH TRIAL WILL BE ELIMINATED AND THE ACCUSED MAY HENCE-
FORTH CHOOSE ONE OR TWO CIVILIAN OR MILITARY LAWYERS.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 TEHRAN 05445 080441Z

C. THOSE UNDER INVESTIGATION MAY HAVE DEFENSE LAWYERS
BEFORE THE EXAMINING MAGISTRATE TO PRESENT FINAL
DEFENSE STATEMENTS.

D. LAWYERS PLEADING BEFORE A MILITARY COURT WILL BE
ALLOWED TO STUDY THE CASE FOR UP TO 20 DAYS, AS IS THE
PRACTICE IN CIVILIAN CRIMINAL CORTS.

2. RESPONDING TO A QUESTION ON CIVILIAN COURT PROCEDURES, KIANPUR SAID THAT "DURING THE PAST YEAR 2,756,819 CASES CAME BEFORE THE COURTS, AN INCREASE OF 699,878 CASES OVER THE PREVIOUS YEAR. THE NUMBER OF MAGISTRATES IN THE MINISTRY OF JUSTICE IS PRESENTLY 1700. A COMPARISON BETWEEN THE NUMBER OF MAGISTRATES AND THE NUMBER OF CASES BEFORE THE COURTS SHOWS THE INTENSE ACTIVITY OF OUR MAGISTRATES". KIANPUR REVEALED THAT STUDIES ARE IN PROGRESS TO MODIFY A NUMBER OF OTHER JUDICIAL STATUTES INCLUDING THE CODE OF CIVIL PROCEDURE, CODE OF PENAL PROCEDURE, FAMILY PROTECTION LAW AND BANKRUPTCY LAW.

3. COMMENT: TIMING OF THESE PROPOSALS LEADS US TO BELIEVE THAT ACTION IS AT LEAST IN PART A CONSEQUENCE OF WILLIAM BUTLER'S MAY 2 AUDIENCE WITH THE SHAH (REFTEL). AT THAT TIME SHAH INDICATED THAT HE ACCEPTED BUTLER'S SUGGESTIONS RE ACCUSED RIGHT TO CIVILIAN COUNSEL AND ORDERED COURT MINISTER HOVEYDA TO FOLLOW UP. PROPOSAL AMENDMENTS MEET MANY SUGGESTIONS CONTAINED BUTLER'S MEMO TO THE SHAH. GOI RESPONSE REINFORCES OUR VIEW THAT BUTLER IS HIGHLY EFFECTIVE HUMAN RIGHTS PROPONENT WITH DEMONSTRATED INFLUENCE ON GOI DECISION MAKERS. DEPARTMENT MAY WISH INFORM HIM OF THIS GOI ANNOUNCEMENT.
SULLIVAN

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: GOVERNMENT OVERTHROW, COURTS MARTIAL
Control Number: n/a
Copy: SINGLE
Draft Date: 07 jun 1978
Decaption Date: 20 Mar 2014
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978TEHRAN05445
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780240-0565
Format: TEL
From: TEHRAN
Handling Restrictions:
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780684/aaaacuit.tel
Line Count: 86
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: b0cbcc8f-c288-dd11-92da-001cc4696bcc
Office: ACTION NEA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: LIMDIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: LIMDIS
Reference: 78 TEHRAN 4257
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 10 jun 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2446983
Secure: OPEN
Status: NATIVE
Subject: GOI PROPOSES TO LIBERALIZE MILITARY COURT PROCEDURES
TAGS: SHUM, PGOV, IR
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/b0cbcc8f-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014